

1 HONORABLE JOHN H. CHUN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 VICTORIA ANDERSON, an individual,

11 Plaintiff,

12 v.

13 LOUIS DEJOY, in his capacity as the
14 Postmaster General and Chief Executive Officer
15 of the United States Postal Service, UNITED
STATES POSTAL SERVICE, a government
agency,

16 Defendant.

17 NO. 2:22-cv-01394-LK

18 STIPULATION FOR LEAVE TO AMEND
PLAINTIFF'S COMPLAINT

19 Noted on Motion Calendar:
February 17, 2023

20 I. INTRODUCTION

21 Pursuant to Fed. R. Civ. P. 15(2) and LCR 15, the parties, by and through their
22 respective counsel of record, hereby stipulate to leave to amend the Plaintiff's complaint in the
23 above-captioned case to subtract and supplement facts. In support of this Motion, Plaintiff
24 submits a proposed Amended Complaint, attached as Exhibit A to this Motion. Plaintiff further
25 requests the Court issue an Order stating that the Amended Complaint relate back to the
Complaint's original filing date of September 29, 2022.

STIPULATION FOR LEAVE TO AMEND PLAINTIFF'S
COMPLAINT - 1

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II. BACKGROUND

Plaintiff filed this lawsuit on September 29th, 2022 and subsequently served the Summons and Complaint on Defendants. Subsequently, it came to the attention of the Plaintiff and Defendants that some of Plaintiff's facts were time-barred. The parties stipulated and agreed to extend Defendant's deadline to respond to the Complaint by one week, to January 30, 2023. The parties then stipulated to amend Plaintiff's Complaint. Plaintiff filed an amended complaint on January 27, 2023. The parties actively conferred regarding subject matter jurisdiction issues that may plague the amended complaint. Subsequently, the parties stipulated and agreed to extend Defendant's deadline to respond to the Complaint by one week, to February 17, 2023. The parties now stipulate and agree to amend Plaintiff's Complaint.

III. ARGUMENT

Fed. R. Civ. P 15(a)(2) allows for the amendment of pleadings with leave of the court, or with opposing counsel's written consent, before trial. The Rule further provides that "the court should freely give leave when justice so requires." *Id.*

The Ninth Circuit has instructed that the Fed. R. Civ. P 15(a)(2) “should be interpreted with ‘extreme liberality,’” *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990) (quoting *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981)), and “[a]n outright refusal to grant leave to amend without a justifying reason is … an abuse of discretion.” *Smith v. Constellation Brands, Inc.*, 2018 WL 991450, at *2 (9th Cir. Feb. 21, 2018) (quoting *Leadsinger, Inc. v. BMG Music Publ’g*, 512 F.3d 522, 532 (9th Cir. 2008)). A district court only has discretion to deny leave to amend “due to … repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment.”” *Id.* at *2 (quoting *Zucco Partners, LLC v. Digimarc Corp.*, 52 F.3d 981, 1007 (9th Cir. 2009) and *Leadsinger, Inc.*, 512 F.3d at 532).

**STIPULATION FOR LEAVE TO AMEND PLAINTIFF'S
COMPLAINT - 2**

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1 An amendment to a pleading relates back to the date of the original pleading when the
2 amendment changes the party against whom a claim is asserted if the amendment asserts a
3 claim that arose out of the conduct, transaction, or occurrence set out (or attempted to be set
4 out) in the original pleading. Fed. R. Civ. P. 15(c)(1)(B).

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6 DATED this 17th day of February, 2023.

7 s/Sumeer Singla

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Bethany Nolan, WSBA # 55788
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Attorney for Defendants

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STIPULATION FOR LEAVE TO AMEND PLAINTIFF'S
COMPLAINT - 3

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1
2 **ORDER**
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4 **IT IS SO ORDERED.**
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6 DATED this 17th day of February, 2023.
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9 JOHN H. CHUN
10 United States District Judge
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STIPULATION FOR LEAVE TO AMEND PLAINTIFF'S
COMPLAINT - 4

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CERTIFICATE OF SERVICE

I hereby certify that on the date below, I caused to be electronically filed the Notice of Appearance with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel or record for all parties. I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the United States of America that the foregoing is true and correct.

DATED: February 17, 2023.

WILLIAMS, KASTNER & GIBBS PLLC

s/Marissa Lock

Marissa Lock

Legal Assistant

STIPULATION FOR LEAVE TO AMEND PLAINTIFF'S
COMPLAINT - 5

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